

Appl. No. : **10/648,184**
Filed : **August 25, 2003**

SUMMARY OF INTERVIEW

As an initial matter, the Applicants would like to thank the Examiner for extending the courtesy of an interview to the Applicants' representative, Linda H. Liu, on October 20, 2005.

During the interview, proposed claim amendments were discussed in light of the references cited by the Examiner in the office action mailed on October 7, 2005. The Examiner suggested that the Applicants point out the distinctions between the Applicants' claimed invention and the cited prior art reference. By this paper, the Applicants have amended Claim 1-2 and 5-6 to incorporate the amendments discussed with the Examiner and are now requesting reconsideration of the above-captioned application in light of the amended claims and the remarks contained herein.

Appl. No. : 10/648,184
Filed : August 25, 2003

REMARKS

With this amendment, Claims 1-6, 8, 10-13, 19-24, and 27-33 are pending in the present application. Claims 1-2 and 5-6 have been amended. Claims 7, 9, 14-18, and 25-26 have been canceled. The Applicants respectfully request reconsideration and allowance of the above-referenced application in view of the foregoing amendments and the following remarks.

As conveyed to the Examiner during the interview, the Applicants' invention, in one aspect, is directed to a novel, engineered synthetic microsphere that can be incorporated in a variety of different materials to improve the mechanical and physical properties of the material. In particular, the microspheres of the preferred embodiments are engineered to retain a number of the beneficial properties associated with cenospheres derived from coal combustion and also to obtain additional advantageous properties not present in the cenospheres. The composition of the synthetic microspheres of the preferred embodiments is formulated in a manner such that the combined synergistic effect of certain key components in their respective proportions result in a product with advantageous attributes not present in cenospheres derived from coal combustion or conventional glass microspheres.

U.S.C. §102(b) – Rejections

Claims 1-14, 17-22, 24 and 27-33 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 4,937,210 (Jones et al.) However, after careful review of Jones, the Applicants respectfully submit that Jones does not disclose or suggest the claimed synthetic microsphere. Jones is directed to an aluminosilicate based porous cellular material that can be used for immobilizing biological catalysts. The Applicants' invention, on the other hand, is directed to a synthetic microsphere that can be used as an effective filler material to improve the chemical and physical properties of the material. Additionally, nowhere in Jones does it teach or suggest a material having the composition of the engineered microspheres as recited in the pending claims. Since Jones fails to positively disclose each and every limitation of the claimed invention (see, e.g., microsphere composition limitations recited in amended Claim 1), the Applicants respectfully submit that the pending claims are not anticipated by Jones.

35 U.S.C. §103(a) - Rejection

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Jones. As discussed above, the Applicants note that Jones fails to disclose or suggest a microsphere having

Appl. No. : **10/648,184**
Filed : **August 25, 2003**

the composition recited in the pending claims. As such, the Applicants respectfully submit that pending claims are patentable over the Jones reference.


Conclusion


In view of the foregoing, the Applicants respectfully submit that the above-referenced application is in condition for allowance and respectfully request the same. Should there be any additional issues that can be resolved by an examiner's amendment, the Examiner is respectfully requested to call the undersigned at the number shown below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:  _____

By:  _____
Linda H. Liu
Registration No. 51,240
Attorney of Record
Customer No. 20,995
(951) 781-9231

2357974
020706